



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

Ms. Emerenciana Peter-Palican
Special Assistant for Women's Affairs
Office of the Governor
Juan A. Sablan Admin. Bldg.
Capitol Hill
Saipan, MP 96950

FEB 06 2006

*Rec'd 2/09/06
11:00 am*

Re: Tenure of Special Assistant for Women's Affairs

Dear Ms. Peter-Palican:

As you are aware, the office of Special Assistant for Women's Affairs (to the governor) is one filled by gubernatorial appointment, and the person occupying that office serves at the will and pleasure of the governor, as do all gubernatorial appointees. See 1 CMC § 8131(a)(6).

You were appointed to that office by letter of April 5, 2002, from then-governor Juan N. Babauta, with your appointment being effective April 8, 2002. The letter does not indicate any fixed term for your service. However, the Request for Personnel Action and the Notification of Personnel Action concerning your appointment do indicate that your appointment was for a fixed term, commencing April 8, 2002, and expiring April 8, 2006. It is not known why these documents seemingly contain a fixed term for your appointment, but the ministerial actions of those responsible for completing the paperwork necessary to effectuate your appointment cannot and do not change the legal character of your appointment.

It is the position of this administration that your appointment terminated, as a matter of law, on January 8, 2006, when this administration formally took office, and that your continuing to occupy the office of Special Assistant for Women's Affairs is contrary to Commonwealth law and custom (all of the previous occupants of the office have resigned at the conclusion of the term of the appointing governor). Nonetheless, in a spirit of compromise and conciliation, the administration has decided to refrain from taking legal action against you until after April 8, 2006, should you continue with your occupancy of the office.

You are, therefore, informed that you must vacate the office of Special Assistant for Women's Affairs on or before April 8, 2006, or the government will take whatever legal action is appropriate.

Sincerely,


TIMOTHY P. VILLAGOMEZ
Acting Governor

Xc: Governor
Acting Director of Personnel
Acting Attorney General
Special Assistant for Administration

